

**STATEMENT OF BENNETT RALEY**  
**ASSISTANT SECRETARY - WATER AND SCIENCE**  
**DEPARTMENT OF THE INTERIOR**  
**BEFORE THE HOUSE RESOURCES SUBCOMMITTEE ON WATER AND POWER**  
**on**  
**H.R. 4129, TO AMEND THE CENTRAL UTAH PROJECT COMPLETION ACT**  
**APRIL 24, 2002**

My name is Bennett Raley. I serve as the Assistant Secretary - Water and Science in the Department of the Interior. I appreciate the opportunity to appear before you to provide views of the Department on H.R. 4129 which would amend the Central Utah Project Completion Act. The proposed legislation attempts to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of the repayment contract for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment.

The Central Utah Project Completion Act, Titles II - VI of P.L. 102-575, provides for the completion of the construction of the Central Utah Project (CUP) by the Central Utah Water Conservancy District. The Act also authorizes funding for fish, wildlife, and recreation mitigation and conservation; establishes an account in the Treasury for deposit of these funds and other contributions; establishes the Utah Reclamation Mitigation and Conservation Commission to coordinate mitigation and conservation activities; and provides for the Ute Indian Water Rights Settlement.

The Administration has concerns over the legislation, and would like to work with the Chairman and the Committee to modify the language to include several important amendments.

Section 201(b) of Public Law 102-575 (Act) essentially deauthorized several of the project features without clarifying how the amounts previously expended in investigating and planning those projects and features should be dealt with. H.R. 4129 would clarify that these costs are non-reimbursable and non-returnable, which could result in a paygo impact.

In addition, amendments to Section 201(e) of H.R. 4129 provide the Secretary with sufficient flexibility to continue to utilize the expertise and capability within the Bureau of Reclamation to fulfill her responsibilities under the Act. These provisions authorize a pilot management program within the Bureau of Reclamation. The pilot management program will provide a mechanism for the Secretary and the District to create a mutually acceptable management program within the Bureau of Reclamation to assist the Secretary in her responsibilities for the long term management of the Bonneville Unit. It is important that the Secretary be given the flexibility to extend the pilot management program indefinitely. It is also important to clarify that the amendments to this section of the Act, which expand the designation of authorities which are specifically reserved to the Secretary and may not be delegated to the Bureau, to include aspects of the Colorado River Storage Project Act (CRSP), are limited to the Bonneville Unit and do not affect other aspects of the CRSP. Further, the amendments do not affect the Bureau of Reclamation's and Western Area

Power Administration's responsibilities regarding all matters relating to all CRSP power functions including power revenues, power rates, and ratemaking. Therefore, the Administration supports the amendments to Section 201(e) of the Act.

Over the past several decades the population along the Wasatch front in Utah has grown dramatically which has resulted in an increased demand for municipal and industrial water. The last paragraph of Section 202(a)(1)(B) of the Act only provides for features to deliver irrigation water. H.R. 4129 includes an amendment to this section of the Act to provide the flexibility to construct features that also deliver municipal and industrial water. The Administration supports this amendment; however, the amendment as worded specifies only to insert the words "and municipal." We suggest it may be better to specify, "and municipal and industrial."

The amendments to Section 202(c) of the Act, as proposed in H.R. 4129, section 1(d), do not designate a specific amount that would be available for these expanded activities, but rather authorizes the entire amount of available ceiling under the other units of the Central Utah Project to be made available. H.R. 4129 should be modified to: (1) limit the amount available under Section 202(c) to a specific amount; (2) deauthorize the balance of the unexpended budget authority provided for in the other units of the Central Utah Project; and (3) delete the authorization for Hatchtown Dam in Garfield County. The Administration does not support the amendments to Section 202(c) of the Act unless these changes can be incorporated into the amendments. We would appreciate the opportunity to work with the sponsors of the legislation, the Utah delegation, and the Congressional committees to modify the amendments to Section 202(c) such that they would be acceptable to all parties.

The Administration supports the amendments to Section 210 of the Act as proposed in H.R. 4129.

Again Mr. Chairman, with the changes recommended above, the Administration would support H.R. 4129. I would be happy to answer any questions you may have.

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